United Nations CEDAW/C/HTI/CO/8-9

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Haiti*

1. The Committee considered the combined eighth and ninth periodic reports of Haiti (CEDAW/C/HTI/8-9) at its 1394th and 1395th meetings, on 29 February and 1 March 2016 (see CEDAW/C/SR.1394 and 1395). The Committee's list of issues and questions are contained in CEDAW/C/HTI/Q/8-9 and the responses of Haiti are contained in CEDAW/C/HTI/Q/8-9/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined eighth and ninth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by Ms. Marie Elise Brisson Gelin, Director General of the Ministry for the Status of Women and Women's Rights. The delegation also included representatives from the Ministry of Justice; the Ministry of Education; and of the Permanent Mission of Haiti to the United Nations Office at Geneva. The Committee appreciates the constructive dialogue that took place between the delegation and the Committee, while noting that some questions were not fully answered.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's combined initial to seventh periodic reports (CEDAW/C/HTI/7) in undertaking legislative reforms, in particular the adoption of:

(a) The Electoral Decree of February 2015, establishing a minimum quota of 30 per cent for female candidates on voting lists for municipal and local elections,

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and providing for financial incentives for political parties to encourage compliance with such quota;

(b) The Paternity, Maternity and Filiation Act, in 2014, guaranteeing equal treatment to children born out of wedlock;

(c) The Human Trafficking Act, in 2014;

(d) The constitutional amendment to article 17.1 establishing a minimum quota of 30 per cent for women's representation at all levels of political and public, particularly in public services, in 2011;

(e) The Integration of Persons with Disabilities Law, in 2012.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) Policy of Gender Equality (2014-2034) and related National Plan of Action (2014-2020);

(b) Gender Equity Office in Parliament (2 December 2013);

(c) Office to Combat Violence against Women and Girls (25 November 2013);

(d) Interministerial Human Rights Committee (13 May 2013), mandated to coordinate and monitor public policies on human rights and propose national strategies for their implementation, and assist mainstreaming gender equality in all State agencies;

(e) Inclusion in the Strategic Development Plan for Haiti of an action plan to ensure gender equality (2012);

(f) Second National Plan to Combat Violence against Women (2012-2016).

6. The Committee welcomes the fact that in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2014;

(b) International Covenant on Economic, Social and Cultural Rights, in 2013;

(c) Convention against Transnational Organized Crime, in 2011;

(d) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2011;

(e) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2009;

(f) Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, in 2009.

C. Factors and difficulties preventing the effective implementation of the Convention

7. The Committee notes that the State party's efforts since 2009 to improve women's situation have largely been impeded by the devastating earthquake that struck Haiti on 12 January 2010, causing considerable human and material losses and that the numerous social, economic and health problems, including the subsequent outbreak of cholera, in the post-earthquake recovery period pose serious challenges to the implementation of the Convention. The Committee notes the various recovery plans in place, including the Strategic Development Plan of Haiti, which seek to stimulate economic growth. The Committee considers that these efforts require the full implementation of the Convention in order to protect and promote women's rights. Therefore, the Committee urges the State party to implement the recommendations contained in the present concluding observations as a matter of priority, including by seeking international assistance and cooperation, if appropriate, for their implementation. In this regard, the Committee urges the State party to adopt a four-year national action plan on the implementation of the present recommendations, which will provide the State party with a roadmap for better implementation and monitoring. Furthermore, the Committee also calls upon the State party to include women in the development and implementation of disaster risk reduction strategies and programmes.

D. Principal areas of concern and recommendations

Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the national Parliament, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

General context

9. The Committee welcomes the promulgation of the laws and strategies mentioned in paragraph 4. However, the Committee is concerned that these efforts have not yielded concrete results owing to a lack of consistent and coordinated actions, and inadequate financial, technical and human resources. It also notes the slowness of the legislative process and the frequent and very long delays in the promulgation of a series of laws affecting women's rights. It also notes that international assistance seems to have been poorly coordinated and therefore not to have brought the relief the population urgently needed. It notes the situation of political instability in the State party, exacerbated by the delay and postponement of both parliamentary and presidential elections, and the resulting impasse on promulgation of the main laws on discrimination against women. It further notes with grave concern that women and girls continue to be subjected to widespread gender discrimination and mistreatment and that pervasive gender-based violence against women and girls represents the most severe manifestation of discrimination in the country, and that it has increased significantly after the earthquake owing to the increased poverty and disastrous housing situation.

10. **The Committee recommends that the State party expedite the adoption of pending legislation and ensure mechanisms for their implementation, including sanctions for non-compliance. It urges the State party to guarantee the sustainable and sufficient resourcing of action plans to promote gender equality and combat violence against women. It also recommends that the State party seek better coordination in accordance with the United Nations agencies and other organizations and bilateral donors to maximize efforts, and ensure that women are full participants in the design and implementation of all the measures taken.**

Definition of equality and non-discrimination

11. The Committee is concerned that despite an undertaking by the State party (CEDAW/C/HTI/CO/7, para. 11) to adopt a law on equality of women and men and non-discrimination against women, this has not yet been done. It is further concerned about the persistence of discriminatory provisions in a number of laws including the out-dated Criminal and Civil Codes. The Committee is also concerned about the absence of a clear time frame for the adoption of pending draft laws that have an impact on the enjoyment of women's rights.

12. **The Committee reiterates its previous recommendations (CEDAW/C/HTI/CO/7, paras. 11, 13 and 17) that the State party give priority to its law reform process and draw attention to the links between articles 1 and 2 of the Convention and Sustainable Development Goal 5, target 5.1, to end all forms of discrimination against all women and girls everywhere, and in doing so:**

(a) **Repeal all discriminatory provisions, including those in the Criminal and Civil Codes and adopt new provisions to ensure women's equality in line with the Convention;**

(b) **Establish a clear time frame for the adoption of all pending draft legislation, in particular on gender equality, combating violence against women, domestic workers' labour conditions, and on the recognition of consensual unions and ensure their prompt promulgation;**

(c) **Ensure the enforcement of existing legislation aimed at ending discrimination against women, including those mentioned in paragraph 9, through the strict use of sanctions;**

(d) **Strengthen efforts to sensitize Government officials, the National Assembly and the general public on the importance of comprehensive, consistent and coherent legal reform to achieve women's equality in law and in practice.**

Access to justice

13. The Committee is concerned about the numerous obstacles women and girls face in gaining access to justice, particularly in cases of gender-based violence and abuse, including linguistic barriers, economic factors, a dysfunctional judiciary, lack of awareness of rights and reticence to file complaints because of fear of social stigma and prejudices, relationship with the offender, reservations of parents or guardians, and financial dependence of the victim. The Committee is also concerned about the lack of measures taken by the State party to eliminate those obstacles and

to ensure the independence, professionalism and gender sensitivity of law enforcement professionals, including judges, prosecutors and the police. The Committee is further concerned that the State-sponsored legal aid system is limited in its outreach, and that legal aid is provided only to a minimal extent by civil society organizations.

14. **The Committee, recalling its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Ensure the creation and maintenance of courts and quasi-judicial bodies throughout the territory of the State party so that women have effective access to justice, especially women belonging to disadvantaged and marginalized groups, such as internally displaced women and women with disabilities;**

(b) **Strengthen and increase the number of legal aid offices, enhance their availability and quality in all regions, and ensure appropriate resources for their operation and for the free provision of effective legal aid;**

(c) **Enhance women's awareness of their rights and their legal literacy in all areas of the law to empower them to claim their rights under the Convention;**

(d) **Ensure that all cases of violence and discrimination against women are brought under the jurisdiction of criminal court, rather than settled through mediation;**

(e) **Ensure that judicial proceedings are conducted in the language of choice of the victim;**

(f) **Strengthen capacity-building programmes on the Convention for judges, prosecutors, lawyers and the police, and professionals in related services.**

National machinery for the advancement of women

15. The Committee welcomes the efforts made by the State party in building an active national machinery of ministerial status. It nonetheless deeply regrets the cuts in the already low percentage, from 1per cent to 0.3per cent of the State party's budget allocated to the Ministry for the Status of Women and Women's Rights. The Committee is concerned that its lack of human, technical and financial resources, and dependence on international donor funding, impedes the Ministry's ability to fulfil its mandate. Furthermore, the Committee notes the finalization of the gender equality policy (2014-2034) and related national action plan (2014-2020) but regrets that they are not adequately funded.

16. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, and the guidance provided in the Beijing Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 15) and urges the State party:**

(a) **To strengthen the human, technical and financial resources of the Ministry for the Status of Women and Women's Rights and reinforce its mandate to coordinate the implementation of public policies and national**

action plans, and ensure the efficient and strategic use of international donor funding, for the advancement of women;

(b) To strengthen the role of the Ministry in coordinating and monitoring the focal points on gender issues within governmental institutions so as to formulate and coordinate the implementation of results-based strategies for gender mainstreaming, including at the local level;

(c) To strengthen cooperation with women's non-governmental organizations in implementing public policies for the advancement of women and monitoring their implementation and assessing their impact, including by adopting participatory mechanisms and holding wide consultations with women's organizations when adopting strategies on gender equality.

Temporary special measures

17. The Committee welcomes the constitutional amendment of 2012 adopting a 30 per cent minimum quota for women at all levels of national life, and in particular public services; and the 2015 Electoral Decree that specifically provided for this quota to be applied to all voting lists of candidates for elections. The Committee is, however, concerned that the quota has not been effective in accelerating the achievement of substantive equality of women and men, especially in appointed and elected decision-making positions, public administration, and in academia where women are underrepresented or disadvantaged. The Committee is further concerned at the absence of temporary special measures to benefit women and girls in education, rural development and health sectors.

18. **The Committee reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 19) and calls upon the State party to effectively implement the 30 per cent quota and adopt other temporary special measures with specific targets and incentives, outreach and support programmes, legal sanctions and other proactive results-oriented measures to increase women's participation in political and public life; and to ensure special budget allocations for measures that benefit women in education, rural development and health sectors, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004).**

Stereotypes and discriminatory practices

19. The Committee notes the measures taken by the State party to revise school texts and provide capacity-building to the judiciary on the negative impact of discriminatory stereotypes and preconceived notions of women's roles and behaviour. However, the Committee is concerned that discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society are conveyed from early childhood, that they are pervasive in society and also find expression in the judiciary, the executive and legislative branches, and that no comprehensive strategy to promote cultural changes and eliminate discriminatory stereotypes about women has been formulated by the State party.

20. **The Committee reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 21) and urges the State party:**

(a) To put in place a comprehensive national strategy with proactive and sustained measures targeted at women and men at all levels of society to

combat discriminatory stereotypes such as the widely accepted dominance of male control over women's and girl's bodies;

(b) To ensure that the judiciary, executive and legislative branches are made aware of the need for them to be actively involved in combating discriminatory stereotypes;

(c) To design and implement, in collaboration with civil society, awareness-raising programmes, in particular in rural and remote areas, to enhance positive and non-stereotypical portrayals of women;

(d) To establish a mechanism to monitor and assess the implementation of the measures adopted to overcome discriminatory gender stereotypes.

Violence against women and harmful practices

21. The Committee commends the creation of the Office to Combat Violence Against Women and Girls in the State party and the finalization of the draft legislation combating violence against women. However, the Committee is deeply concerned that:

(a) No legislation has been adopted specifically criminalizing violence against women, including domestic violence, sexual violence, incest, marital rape and sexual harassment;

(b) The limited effectiveness of initiatives to combat violence against women which are not sustainable as they lack coordination and funding from the State budget and are reliant on donor funding;

(c) The limited access of women and girls to victim assistance and protection, including the lack of shelters;

(d) Domestic and sexual violence appear to be socially legitimized and accompanied by a culture of silence and impunity, as evidenced by low rates of convictions for acts of sexual and other forms of gender-based violence despite the fact that rape remains one of the most frequently reported crimes in the State party;

(e) Violence against women is underreported owing to lack of trust in the judges, prosecutors, and police officers, and that mediation and conciliation is excessively resorted to in cases of violence against women;

(f) That families frequently hide cases of incest out of shame and that the Civil Code prohibits registrars from recording declarations of birth of a child resulting from incest.

22. **The Committee, recalling its general recommendation No. 19 (1992) on violence against women, urges the State party:**

(a) To expedite the adoption of the draft law on combating violence against women and ensure that it criminalizes rape, including marital rape, incest, and sexual harassment and does not refer to mediation or conciliation cases of violence against women;

(b) To allocate the necessary resources for implementing the initiatives, such as the national plan of action and the Office specifically created, to combat violence against women in a coordinated and effective manner;

(c) To ensure that victims are destigmatized and encouraged to report incidents of domestic, sexual and other forms of violence against women, with guaranteed access to effective protection and redress, including compensation, prosecution and punishment of perpetrators by a competent criminal court;

(d) To remove obstacles faced by victims of gender-based violence in gaining access to justice through eliminating the practice of requiring a medical certificate to initiate criminal proceedings for rape;

(e) To provide adequate assistance and protection to women and girls who are victims of violence, including by establishing shelters and providing psychosocial rehabilitation and reintegration programmes to victims of violence, especially in rural areas, and through coordination of interventions and of support services in cooperation with civil society organizations and international partners;

(f) To intensify public awareness efforts, through consistent strategic media campaigns and educational programmes and implement mandatory capacity-building programmes for law enforcement officials, health service providers, educators and social workers on gender-sensitive support to victims;

(g) To amend the Civil Code to ensure that all declarations of birth are registered, without exception.

Trafficking and exploitation of prostitution

23. The Committee welcomes the adoption of the Law to combat trafficking in human beings. However, it is concerned about the lack of an action plan to ensure its implementation. The Committee is particularly concerned that trafficking in women and girls, especially at the border with the Dominican Republic, is ongoing, and that cases of human trafficking are reportedly often not investigated by the police. The Committee is further concerned about reports of women and girls who are compelled by circumstances to enter into "transactional sex" in exchange for food and other survival items, as well as cases of sexual exploitation of women and girls by personnel of the United Nations peacekeeping mission in Haiti in this context.

24. **The Committee reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 27) and draws attention to Sustainable Development Goal 5, target 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and calls on the State party:**

(a) To ensure sufficient human, technical and financial resources for the effective implementation of the 2014 law criminalizing trafficking in human beings, including through the development of a national plan of action to combat trafficking for purposes of, inter alia, domestic servitude and forced prostitution;

(b) To strengthen its efforts to ensure international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aimed at prosecution of traffickers;

(c) To provide ongoing capacity-building for law enforcement officials on the early identification and referral of and assistance to victims;

(d) To carry out nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;

(e) To address the root causes of trafficking and exploitation of women, including poverty, in order to eliminate the vulnerability of women and girls to sexual exploitation and trafficking, and ensure the recovery and social integration of victims by providing them with adequate assistance, rehabilitation and income-generating opportunities;

(f) To put in place a legal framework to address the prevalent impunity in the above-mentioned context and take preventive measures to protect women and girls who are vulnerable to sexual exploitation by personnel of the United Nations peacekeeping mission in Haiti and provide them with access to justice.

Participation in political and public life

25. The Committee welcomes the adoption of the Electoral Decree 2015 providing for a minimum quota of 30 per cent for women on electoral lists. However, the Committee notes with concern that:

(a) No woman has been elected into the Parliament since the introduction of these quotas and, hence, women continue to be underrepresented in legislative bodies at the national and municipal levels, in the Cabinet and in decision-making positions in the civil service, in political parties and at the international level;

(b) The number of women ministers has declined since the last review;

(c) Women's representation in the judiciary, prosecutorial office and national police continues to be very low.

26. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 29) that the State party:**

(a) Enforce the Constitutional and legislative statutory quotas through sanctions for non-compliance, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on the subject, in order to accelerate women's equal representation in political and public life, legislative assemblies, the judiciary, in the civil service, at the national, regional and local levels, and at the international level;

(b) Develop a national strategy, and ensure that it is adequately resourced, to promote and empower women at all levels of political and public life, in particular in decision-making positions, including in the planning, implementation, monitoring and evaluation of development policies and community projects;

(c) Sensitize politicians, journalists, teachers and community leaders on women's rights and gender equality, to enhance their understanding that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention;

(d) **Provide capacity-building for potential women candidates on political campaigning and leadership skills to increase their interest in participating in elections as candidates.**

Nationality

27. The Committee notes the efforts of the State party to increase birth registrations, but is concerned at the high number of persons who do not possess any identification document or a birth certificate, thereby increasing their likelihood of statelessness. In addition, it is concerned at the situation of persons of Haitian origin living in the Dominican Republic who have recently become stateless. The Committee welcomes the State party's undertaking to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

28. **The Committee recommends that the State party expedite the adoption of its draft Nationality Law and adopt a national framework on asylum. The State party is encouraged to strengthen its national civil registration system through systemizing the issuance of birth certificates and identity documents. The Committee also recommends negotiations with authorities of the Dominican Republic to address the situation of persons of Haitian origin in the Dominican Republic. The Committee recommends the ratification without delay of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

29. The Committee notes the efforts of the State party to increase women's and girls' participation in education and reduce their illiteracy rate by the 2011 launch of a "free and compulsory education programme". However, the Committee is concerned about:

(a) The low enrolment and dramatic progressive decline in completion rates of girls at the secondary school level, particularly in rural areas, owing to extreme poverty and child labour by girls;

(b) The lack of adequate sanitary facilities and potable water in a large number of schools;

(c) The high rate of sexual violence and harassment of girls on the way to, from or at school and the absence of any measures to combat such violence;

(d) The lack of age-appropriate sexual and reproductive health and rights education at all levels of education;

(e) The lack of congruence between the vocational subjects pursued by girls at the National Institute for Vocational Training and labour market needs.

30. **The Committee reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 31) and calls on the State party:**

(a) **To provide basic education to girls at the secondary level, including through the full implementation of free and compulsory education, including in rural areas, with special attention to the provision of adequate sanitary facilities and clean water, especially in schools with adolescent girls;**

(b) To strengthen awareness-raising programmes for parents and the wider community on the importance of education for girls beyond the primary level;

(c) To provide safe educational environments free from discrimination and sexual violence, including in and around school settings and to put in place a policy for reintegration of adolescent mothers;

(d) To establish reporting and accountability mechanisms to ensure that perpetrators of sexual abuse or harassment of girls at school are adequately punished;

(e) To integrate age-appropriate education on sexual and reproductive health and rights in school curricula at all levels of education, including education on responsible sexual behaviour, sexually transmitted diseases and on the right of girls to make their own choices with regard to sexual and reproductive health, and train teachers to address such topics in a gender-sensitive manner;

(f) To address the underrepresentation of women in vocational and higher education, including by providing girls with career counselling on non-traditional fields of study and career paths, in particular in technical and vocational areas that are in line with real opportunities for income generation;

(g) To take into account Sustainable Development Goal 4, target 4.5, to eliminate gender disparities in education.

Employment

31. The Committee notes the State party's undertaking to train and deploy a significant number of labour inspectors throughout its territory. The Committee, however, notes with concern that:

(a) The law on the conditions of domestic work adopted by Parliament in 2009, has not yet been promulgated;

(b) Women are concentrated in the informal sector in non-skilled and low-paid jobs, where they are not covered by social protection and often face sexual harassment;

(c) Women face high unemployment rates, persistent horizontal and vertical segregation in the labour market as well as a gender wage gap, particularly in the private sector;

(d) Girls, especially, are exploited in the practice known as *restavèk* whereby children live in servitude in private households, and where they are systematically deprived of family affection and their right to education, subjected to forced labour, exploited without being paid, and exposed to physical, sexual and verbal abuse.

32. **The Committee draws attention to Sustainable Development Goal 5, target 5.04, to recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate, and recalls its previous recommendations (CEDAW/C/HTI/CO/7, paras. 33 and 35) that the State party:**

(a) Expedite the promulgation of the draft law on domestic workers' labour conditions, train labour inspectors on the strict enforcement of this law and conduct an information campaign to raise awareness on the new law;

(b) Adopt legislation to broadly define sexual harassment in the workplace, conduct awareness training on reporting such cases, ease the burden of proof for victims, and provide victims with effective redress, including compensation;

(c) Implement the gender equality action plan included in the Strategic Development Plan for Haiti, and in the National Plan for Poverty Reduction Acceleration, particularly to combat discrimination against women in employment and ensure that women benefit from job creation and entrepreneurship schemes and social protection schemes;

(d) Take measures to close the existing wage gap between women and men and implement the principle of equal pay for work of equal value, in line with the Committee's general recommendation No. 13 (1989) on equal remuneration for work of equal value;

(e) Ratify ILO Convention No. 189 (2011) on Decent Work for Domestic Workers and guarantee domestic workers access to social protection and benefits, including health insurance and maternity leave;

(f) Urgently abolish the practice of restavèk and provide rehabilitation for victims of this practice.

Health

33. The Committee welcomes the efforts made by the State party to improve the health situation of its population, including through enhanced training for specialists and improved infrastructure. However, it is concerned about the inadequate budget allocated to the health sector, particularly to maternity care, its heavy reliance on external financial support and women's limited access to basic health services and essential obstetric care, in particular in rural areas. It notes its concern regarding the high rates of maternal mortality and early pregnancies, and the extremely low use of modern contraceptives, and the excessive use of abortion as a method of family planning. The Committee also notes with concern that the State party has not yet adopted a law on the decriminalization of abortion (CEDAW/C/HTI/CO/7, para. 37).

34. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, draws attention to Sustainable Development Goal 3, targets 3.1 and 3.7, on the reduction of global maternal mortality ratios and ensuring universal access to sexual and reproductive health-care services, and reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 37) that the State party:**

(a) Increase the budget allocated to health care and the number of trained health-care providers and medical personnel, including midwives, in particular in rural areas, to ensure women's access to basic health services and essential obstetric care;

(b) Revise the Master Plan for Health (2012-2022) and the National Health Strategic Plan for Reproductive and Family Planning (2013-2016) to

take into account cultural factors and gender issues limiting women's access to health services, and ensure women's participation in decision-making on basic health and hygiene and the prevention and management of epidemics;

(c) **Expedite the adoption of a law on abortion and ensure that it legalizes abortion at least in cases of threats to the life and health of the mother, rape, incest and severe foetal impairment, and ensure that safe, affordable and confidential abortion and post-abortion services are available throughout the State party;**

(d) **Further reduce maternal mortality by ensuring the provision of adequate sexual and reproductive health services, including access to antenatal, delivery and postnatal services. In this regard, the State party is encouraged to consider the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr.1 and 2), prepared by the Office of the United Nations High Commissioner for Human Rights;**

(e) **Reduce the number of early pregnancies by ensuring access to age-appropriate education on sexual and reproductive health and rights for girls and boys, including on responsible sexual behaviours, and by providing adequate and affordable access to modern methods of contraception, including emergency contraception, for women and girls and men and boys.**

HIV/AIDS

35. The Committee notes with concern the disproportionately high number of women living with HIV/AIDS in the State party.

36. **The Committee recommends that the State party ensure equal access for women and men to HIV/AIDS treatment and prevention, including prevention of mother-to-child transmission of HIV/AIDS. It also recommends that the State party combat persistent stigma and discrimination against women living with HIV/AIDS by raising awareness among men, including those with risky sexual behaviours and those living with HIV/AIDS, on their responsibilities in reducing transmission of HIV/AIDS to their sexual partners.**

Rural women

37. The Committee is concerned that rural women are exposed to high levels of poverty, illiteracy and unemployment, have little access to basic services, and participate only marginally in decision-making relating to issues that are of concern to them. The Committee is further concerned at the devastating impact of the recent drought that has affected the harvest and the income of rural women. The Committee particularly regrets that given the importance of women in the production of food they have not been consulted on or included in the development of agrarian policies.

38. **The Committee reiterates its recommendation (CEDAW/C/HTI/CO/7, para. 39) that the State party adopt a comprehensive strategy, which includes temporary special measures, to adequately address the situation and needs of rural women and girls. Special attention should be given to their access to justice, political and public life, education, employment, health, economic**

opportunities, land ownership and use and financial credit, in particular regarding rural development. The Committee also recommends that the State party ensure that rural women are represented in decision-making processes at all levels in the agricultural sector, thus enabling them also to better address the impacts of natural disasters and climate change.

Impact of climate change and natural disasters on women

39. The Committee recalls the vulnerability of the State party to serious environmental and climate change and natural disasters. In that regard, it is concerned that the impact of climate change and other climate-related disasters affect rural women disproportionately, given that they rely heavily on access to natural resources for their daily survival. The Committee is further concerned that women are not informed of or given opportunities to participate in policymaking and decision-making processes on climate change and disaster risk reduction initiatives.

40. **The Committee recommends that the State party ensure that women are included and may actively participate in planning, decision-making and implementation processes concerning disaster risk reduction, post-disaster management and climate change policies.**

Disadvantaged groups of women

Women with disabilities

41. The Committee notes the adoption by the State party of legislation protecting the rights of persons with disabilities. It is nevertheless concerned that women and girls with disabilities continue to face severe stigmatization and discrimination in the State party and that they are often subjected to violence and sexual exploitation. The Committee notes with concern the barriers to their access to justice, political participation, employment, education and sexual and reproductive health services.

42. **The Committee recalls its general recommendation No. 18 (1991) on disabled women and recommends that the State party effectively enforce the Law on the Integration of Persons with Disabilities through the use of adequate sanctions against perpetrators of violence and discrimination against women and girls with disabilities and by ensuring that the victims of such acts are adequately compensated. The Committee also recommends that the State party undertake awareness-raising activities to change negative cultural attitudes towards women and girls with disabilities and ensure that they have adequate access to justice, political participation, education, income-generating activities and health care, including sexual and reproductive health services.**

Internally displaced women

43. The Committee is concerned about the extremely difficult living conditions and health problems, in particular the severe spread of cholera, lack of adequate drinking water and sanitation, and poor housing in makeshift camps faced by stateless women, women displaced by the 2010 earthquake, and by women of Haitian descent who have been expelled from the Dominican Republic. The Committee notes with concern the high rate of sexual violence against these women and girls and the inadequacy of the measures taken to prevent such acts, investigate,

prosecute and punish perpetrators and provide redress to the victims. It is further concerned about the compounding effect on these women of inadequate basic health care, housing, education and loss of means of subsistence and economic opportunities.

44. **The Committee recommends that the State party develop and implement an action plan to urgently provide internally displaced women with access to basic services, including education, economic opportunities and health care, and ensure that they are protected from violence, both within and outside the camps, and that perpetrators of any such acts are prosecuted and adequately punished, and victims provided with assistance and adequate redress. The State party is encouraged to support Haitian nationals trying to regularize their situation in the Dominican Republic and ensure that Haitian women deported or voluntarily returning from the Dominican Republic benefit from reintegration measures in the State party.**

Women in prison

45. The Committee is concerned about the high number of women detainees awaiting trial, in some cases for many years. It is further concerned about reports of severe overcrowding in female prisons, and the absence of separation between girls and adult women detainees, as well as between pre-trial detainees and convicted women.

46. **The Committee recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') and provide alternatives to detention to reduce the high number of pre-trial women detainees.**

Lesbian, bisexual and transgender women

47. The Committee notes the concern expressed by the Human Rights Committee regarding "a significant number of displays of hostility towards LGBT [lesbian, gay, bisexual and transgender] persons and other actions including acts of violence and attacks on the institutions that defend their rights, all of which are closely bound up with the persistence of stereotypes with respect to these groups" (CCPR/C/HTI/CO/1 (2014), para. 9).

48. **The Committee recommends the State party to effectively protect lesbian, bisexual and transgender persons from violence and discrimination and ensure their access to justice, through the appropriate handing of their complaints, punishment of perpetrators and awarding of compensation.**

Marriage and family relations

49. The Committee is concerned that the discriminatory provisions prevailing in the Civil Code, particularly on the inferior status of women in family relations, have not yet been repealed. Given that the majority of couples in the State party are comprised of consensual unions, the Committee is also concerned that the bill on the recognition of consensual unions (*plaçage*) is not included in the legislative agenda, thereby depriving women in the State party of equal rights with men in family relations. The Committee is further concerned about the common practice of fathers denying the paternity of their biological children, leading to the general

failure of men to meet their parental obligations and resulting in the poverty of the numerous female-headed households and the children concerned.

50. The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, reiterates its previous recommendation (CEDAW/C/HTI/CO/7, para. 41) that the State party expedite the adoption of the bill on plaçage and the revision of the Civil Code, in particular the provisions on family law, to ensure that both partners in consensual unions have equal rights and responsibilities during the union and upon its dissolution. The Committee further recommends that the State party consider reversing the burden of proof to establish paternity in claims where this is contested.

Data collection and analysis

51. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.

Optional Protocol and amendment to article 20, paragraph 1, of the Convention

52. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

53. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

54. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of the implementation of the 2030 Agenda for Sustainable Development.

Dissemination

55. The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State Party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

Technical assistance

56. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

57. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signed in 2013), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (signed in 2013), and the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance (signed in 2007).

Follow-up to concluding observations

58. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 18, 22 (a) and 50 above.

Preparation of the next report

59. The Committee invites the State party to submit its tenth periodic report in March 2020.

60. The Committee requests the State party to follow the Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1).